IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4484 of 2006
Date of Decision: 28.8.2006

Balkar Singh ...Petitioner

Versus

Jarnail Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Alok Jain, Advocate, for the petitioner.

JUDGMENT

The defendants are in revision petition aggrieved against the order passed by the learned trial Court on 31.7.2006, whereby his application for examining the document expert by way of additional evidence to prove Will allegedly executed by Waryam Singh, was declined.

The present suit for possession was filed on 16.10.1993. The issues were framed on 1.2.1995 and the case was fixed for evidence of the defendants on 18.2.1997. Though it is the case of the defendant-petitioners that on account of the fact that the suit was dismissed in default earlier and that there was an application for interrogatories and for the said application and some other applications, the case remained pending, but the fact remains that the defendants closed their evidence on 18.3.2006. Thereafter, an application has been filed for examination of document expert.

It has been found by the learned trial Court that the document expert could very well be examined by the defendants when they were leading their evidence. Now after close of evidence, no case is made out for permission to lead additional evidence when the case is pending for more than 13 years.

In view of the finding recorded by the learned trial Court, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court, in exercise of its revisional jurisdiction.

Dismissed.

28.8.2006 (HEMANT GUPTA)
ds JUDGE